

ASSEMBLY BILL

No. 723

Introduced by Assembly Member Rendon

February 25, 2015

An act to amend Section 17921.3 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 723, as introduced, Rendon. Plumbing fixtures: WaterSense standards.

Prior law, until January 1, 2014, required manufacturers selling water closets or urinals in this state to offer high-efficiency models for sale in a specified percentage of all models offered, including 50% by January 1, 2010, 67% by January 1, 2011, 75% by January 1, 2012, 85% by January 1, 2013, and 100% by January 1, 2014. It required these manufacturers, by January 30 of 2010, 2011, 2012, and 2013, to inform, in writing, the California Energy Commission of the percentage of high-efficiency models it is offering for sale that year. A violation of these requirements is a misdemeanor.

This bill would, beginning January 1, 2017, instead prohibit manufacturers selling water closets, urinals, bathroom faucets, and shower heads from installing or selling any of the aforementioned plumbing fixtures that do not meet WaterSense standards set by the federal Environmental Protection Agency, as specified. The bill would require these manufacturers, by January 30 of each year, to inform, in writing, the California Energy Commission, the department, and the California Building Standards Commission of the number of WaterSense certified models it is offering for sale that year as compared to the years 2010 to 2014, inclusive.

By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17921.3 of the Health and Safety Code
2 is amended to read:

3 17921.3. (a) ~~All water closets and urinals~~ *Notwithstanding*
4 *any other law, all water closets, urinals, bathroom faucets, and*
5 *shower heads* installed or sold in this state shall meet performance,
6 testing, and labeling requirements established by the ~~American~~
7 ~~Society of Mechanical Engineers standard A112.19.2-2003, or~~
8 ~~A112.19.14-2001~~, *United States Environmental Protection Agency*
9 *(EPA) WaterSense standards*, as applicable. No other marking and
10 labeling requirements shall be required by the state. ~~All water~~
11 ~~closets and urinals~~ *water closets, urinals, bathroom faucets, and*
12 *shower heads* installed or sold in this state shall be listed by an
13 ~~American National Standards Institute~~ *EPA* accredited third-party
14 certification agency to the appropriate ~~American Society of~~
15 ~~Mechanical Engineers~~ *WaterSense* standards set forth in this
16 subdivision. No other listing or certification requirements shall be
17 required by the state.

18 (b) (1) All water closets sold or installed in this state shall use
19 no more than an average of ~~1.6~~ *1.28* gallons per flush. On and after
20 January 1, ~~2014~~, *2017*, all water closets, other than institutional
21 water closets, sold or installed in this state shall be high-efficiency
22 *WaterSense certified* water closets.

23 (2) All urinals sold or installed in this state shall use no more
24 than an average of ~~one~~ *one-half* gallon per flush. On and after
25 January 1, ~~2014~~, *2017*, all urinals, other than blow-out urinals,
26 sold or installed in this state shall be ~~high-efficiency~~ *WaterSense*
27 *certified* urinals.

1 ~~(3) Each manufacturer selling water closets or urinals in this~~
2 ~~state shall have not less than the following percentage of models~~
3 ~~offered for sale in this state of high-efficiency water closets plus~~
4 ~~high-efficiency urinals as compared to the total number of models~~
5 ~~of water closets plus urinals offered for sale in this state by that~~
6 ~~manufacturer:~~

7 ~~(A) Fifty percent in 2010.~~

8 ~~(B) Sixty-seven percent in 2011.~~

9 ~~(C) Seventy-five percent in 2012.~~

10 ~~(D) Eighty-five percent in 2013.~~

11 ~~(E) One hundred percent in 2014 and thereafter.~~

12 ~~(3) All bathroom faucets sold or installed in this state shall use~~
13 ~~no more than an average of 1.5 gallons per minute. On and after~~
14 ~~January 1, 2017, all bathroom faucets, other than institutional~~
15 ~~bathroom faucets, sold or installed in this state shall be WaterSense~~
16 ~~certified bathroom faucets.~~

17 ~~(4) All shower heads sold or installed in this state shall use no~~
18 ~~more than an average of two gallons per minute. On and after~~
19 ~~January 1, 2017, all shower heads, other than institutional shower~~
20 ~~heads, sold or installed in this state shall be WaterSense certified~~
21 ~~shower heads.~~

22 ~~(4)~~

23 ~~(c) Each manufacturer that sells water closets or urinals in this~~
24 ~~state shall inform the State Energy Resources Conservation and~~
25 ~~Development Commission, the department, and the California~~
26 ~~Building Standards Commission, in writing, of the percentage of~~
27 ~~models of high-efficiency water closets plus high-efficiency urinals~~
28 ~~offered for sale in this state as compared to the total number of~~
29 ~~models of water closets plus urinals offered for sale in this state~~
30 ~~by that manufacturer for each year 2010 to 2013, inclusive, by~~
31 ~~January 30 of that year.~~

32 ~~(e) Any city, county, or city and county may enact an ordinance~~
33 ~~to allow the sale and installation of nonlow-consumption water~~
34 ~~closets or urinals upon its determination that the unique~~
35 ~~configuration of building drainage systems or portions of a public~~
36 ~~sewer system within the jurisdiction, or both, requires a greater~~
37 ~~quantity of water to flush the system in a manner consistent with~~
38 ~~public health. At the request of a public agency providing sewer~~
39 ~~services within the jurisdiction, the city, county, or city and county~~
40 ~~shall hold a public hearing on the need for an ordinance as provided~~

1 in this subdivision. Prior to this hearing or to the enactment of the
2 ordinance, those agencies responsible for the provision of water
3 and sewer services within the jurisdiction, if other than the agency
4 considering adoption of the ordinance, shall be given at least 30
5 days' notice of the meeting at which the ordinance may be
6 considered or adopted.

7 ~~(d) Notwithstanding subdivision (b), on and after January 1,~~
8 ~~1994, water closets and urinals that do not meet the standards~~
9 ~~referenced in subdivision (b) may be sold or installed for use only~~
10 ~~under either of the following circumstances:~~

11 (1) Installation of the water closet or urinal to comply with the
12 standards referenced in subdivision (b) would require modifications
13 to plumbing system components located beneath a finished wall
14 or surface.

15 (2) The nonlow-consumption water closets, urinals, and
16 flushometer valves, if any, would be installed in a home or building
17 that has been identified by a local, state, or federal governmental
18 entity as a historical site and historically accurate water closets
19 and urinals that comply with the flush volumes specified in
20 subdivision (b) are not available.

21 (e)

22 (d) (1) This section does not preempt any actions of cities,
23 counties, cities and counties, or districts that prescribe additional
24 or more restrictive conservation requirements affecting either of
25 the following: *water closets, urinals, bathroom faucets, and shower*
26 *heads.*

27 (A) The sale, installation, or use of low-consumption water
28 closets, urinals, and flushometer valves that meet the standards
29 referenced in subdivision (a), (b), or (c).

30 (B) The continued use of nonlow-consumption water closets,
31 urinals, and flushometer valves.

32 (2) This section does not grant any new or additional powers to
33 cities, counties, cities and counties, or districts to promulgate or
34 establish laws, ordinances, regulations, or rules governing the sale,
35 installation, or use of low-consumption water closets, urinals, and
36 flushometer valves: *bathroom faucets, and shower heads.*

37 (f)

38 (e) The California Building Standards Commission or the
39 department may, by regulation, reduce the quantity of water per
40 flush or flow per minute required pursuant to this section if deemed

appropriate or not inconsistent in light of other standards referenced in the most recent version of the California Plumbing Code, and may refer to successor standards to the standards referenced in this section if determined appropriate in light of standards referenced in the most recent version of the California Plumbing Code.

~~(g)~~

(f) As used in this section, the following terms have the following meanings:

(1) “Blow-out urinal” means a urinal designed for heavy-duty commercial applications that work on a powerful nonsiphonic principle.

~~(2) “High-efficiency water closet” means a water closet that is either of the following:~~

~~(2) “WaterSense certified bathroom faucet” means a faucet with a maximum flow of 1.5 gallons per minute.~~

~~(3) “WaterSense certified showerhead” means a shower head with a maximum flow of 2 gallons per minute.~~

~~(A) A dual flush~~

~~(4) A “WaterSense certified water closet” means a water closet with an effective flush volume that does not exceed 1.28 gallons, where effective flush volume is defined as the composite, average flush volume of two reduced flushes and one full flush. Flush volumes shall be tested in accordance with ASME A112.19.2 and ASME A112.19.14 gallons.~~

~~(B) A single flush water closet where the effective flush volume shall not exceed 1.28 gallons. The effective flush volume is the average flush volume when tested in accordance with ASME A112.19.2.~~

~~(3) “High-efficiency”~~

(5) “WaterSense certified urinal” means a urinal that uses no more than 0.5 gallons per flush.

~~(4)~~

(6) “Institutional water closet” means any water closet fixture with a design not typically found in residential or commercial applications or that is designed for a specialized application, including, but not limited to, wall-mounted floor-outlet water closets, water closets used in jails or prisons, water closets used in bariatrics applications, and child water closets used in day care facilities.

1 ~~(5) “Nonlow-consumption flushometer valve,”~~
2 ~~“nonlow-consumption urinal,” and “nonlow-consumption water~~
3 ~~closet” mean devices that use more than 1.6 gallons per flush for~~
4 ~~toilets and more than 1.0 gallons per flush for urinals.~~

5 ~~(6)~~

6 (7) “Urinal” means a water-using urinal.

7 ~~(7) “Wall-mounted/wall-outlet water closets” means models~~
8 ~~that are mounted on the wall and discharge to the drainage system~~
9 ~~through the wall.~~

10 ~~(h)~~

11 (g) For purposes of this section, all consumption values shall
12 be determined by the test procedures contained in the American
13 Society of Mechanical Engineers standard A112.19.2-2003 or
14 A112.19.14-2001. *WaterSense standards established by the EPA.*

15 ~~(i) This section shall remain operative only until January 1,~~
16 ~~2014, or until the date on which the California Building Standards~~
17 ~~Commission includes standards in the California Building~~
18 ~~Standards Code that conform to this section, whichever date is~~
19 ~~later.~~

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.